

### **REMARKS/ARGUMENTS**

Responsive to the Official Action mailed June 24, 2003, applicants have extensively revised the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 2, 3, 5, and 7 have been canceled, and claims 1, 4, 8, and 9 amended. Reconsideration is respectfully requested.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §102, or §103, with reliance upon U.S. Patent No. 3,485,706, to Evans. It is respectfully maintained that while the Evans patent is widely recognized as one of the first relating to hydroentanglement of nonwoven fabrics, applicants' specifically recited process for forming a "distressed" fabric is neither contemplated or taught by the Evans reference. Accordingly, the Examiner's rejection is respectfully traversed.

As discussed in applicants' specification, the present method is directed to a highly efficient process for manufacture of nonwoven fabric products which are particularly suitable for certain types of end use applications, including use as a so-called "bottom weight" fabric in the apparel industry, or as a window covering, bed covering, or furniture cover in connection with the home fashion industry. To this end, applicants' method contemplates the formation of a precursor fibrous web from *a blend* of synthetic and natural fibers, hydroentanglement of the precursor web, and *laundering* as part of the manufacturing process. Notably, the use of a blend of natural and synthetic fibers has been found to enhance the desired "distressed" appearance achieved through laundering of the fabric during manufacture, which is believed to result from *relative slippage* between dissimilar fibers, attendant to manufacturing during the process.

As discussed at page 5 of the specification, the textured appearance of fabrics which is created by practice of the present invention is believed to result from micro-delamination, which has been found not to have a deleterious effect on the overall integrity of the fabric. The slippage which creates the distressed appearance of the fabric can be increased when there is a lack of compatibility of fibers, such as by use of fibers having differing surface characteristics for fabric formation, as well as by use of fibers having differing compositions, or differing surface finishes.

It is respectfully noted that there are no teachings or suggestion in the Evans et al. reference of nonwoven fabric formation in accordance with applicants' claimed method. In the Action, the Examiner has referred to the teachings in the Evans reference stating that fabrics may be laundered after hydroentanglement. However, it is clear that Evans *does not* contemplate such laundering as part of the manufacturing process. As discussed at column 46, line 43 et seq. of Evans:

The resulting fabric is removed from the plate, dried and then heat-set by placing it between 60-mesh screens and heating at 200° C., and 15 psi for 30 seconds. The fabric is then washed (*along with other fabrics to simulate a normal load*) for about 15 minutes in a commercially available, agitator-type, household washing machine, using hot water (about 50° C.) and laundry detergent. (Emphasis supplied.)

Clearly, the teachings in Evans relating to such laundering are for purposes of demonstrating that fabric *can be laundered*, rather than using a laundering step in the manufacturing process to *promote relative fiber slippage*, create a *distressed appearance*, and thereafter form the fabric *into a roll* subsequent to the laundering step.

In the Action, the Examiner has acknowledged that Evans does not contemplate a nonwoven fabric having a distressed or wrinkled appearance, but refers to the teachings in Evans relating to use of a uniform or non-uniform pattern. The Examiner then states that *it is reasonable to presume that the fabric of Evans would inherently possess a distressed or wrinkled appearance*. Applicants must respectfully disagree with this presumption. It is clear that Evans *lacks a laundering step*, which, in accordance with the present invention, has been desirably found to promote relative fiber slippage between dissimilar fibers, thus contributing to the desired fabric appearance.

The Examiner further states that it would have been obvious to one of ordinary skill in the art to form the fabric of Evans with a distressed or wrinkled appearance "by selecting an apertured patterning member which would produce the desired appearance in the resulting fabric". Again, applicants must respectfully disagree, since it is the use of fiber blends, in combination with the recited laundering step, which is believed to promote the relative fiber slippage, and resultant distressed appearance, in practice of the present invention. This is in significant distinction from creating a desired fabric appearance by selection of a particular forming surface pattern, which the Examiner contemplates in formulating her rejection. There is simply no suggestion in Evans of formation of a fabric in this fashion, and it is respectfully maintained that the simple selection of a suitable forming pattern by one skilled in the art, in practicing Evans, *would not* result in a fabric having a distressed appearance formed in accordance with the present invention.

Applicants respectfully refer to M.P.E.P. Section 2141.01, which expressly provides that the *prior art must suggest the desirability of the claimed invention*, and that the *fact that*

*references can be combined or modified is not sufficient to establish prima facie obviousness.*

The Manuel further provides that *the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness.*

In view of the foregoing, formal allowance of claims 1, 4, 6, 8, and 9 is believed to be in order and is respectfully solicited. The undersigned attorney is attempting to deliver a sample of fabric formed in accordance with the present invention to the Examiner by his colleague, Ms. Somchay Chinyavong, for the Examiner's consideration. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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